

Notice of Allowability

Application No.

10/018,924

Examiner

Sheridan K Snedden

Applicant(s)

TOSHIHIKO, YANAGITA

Art Unit

1653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 6/10/2004.
2. ☒ The allowed claim(s) is/are 13 and 16-36.
3. ☒ The drawings filed on 12/19/01 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 6/10/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

EXAMINER'S AMENDMENT

1. This Office Action is in response to Paper filed 6/10/2004. Claims 1-12, 14-15 have been canceled. Applicant's amendment of claim 13 is acknowledged. Applicant's addition of new claims 35-36 is acknowledged. Claims 13, 16-36 are under examination.

2. The objections and/or rejections not explicitly restated or stated below are withdrawn.

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Richard Klein on September 15, 2004.

4. The application has been amended as follows:

16. (Amended) A method according to claim 13, wherein the adrenomedullin is:

(a) a peptide comprising an amino acid sequence from Ser in position 13 to Tyr in position 52 of SEQ ID NO: 2 in SEQUENCE LISTING; or

(b) a peptide comprising an amino acid sequence having at least about 80% homology identity with the amino acid sequence (a), and having an action of promoting extension of bladder smooth muscle.

17. (Amended) A method according to claim 13, wherein the adrenomedullin is:

- (a) a peptide comprising an amino acid sequence from Tyr in position 1 to Tyr in position 52 of SEQ IS NO: 2 in SEQUENCE LISTING; or
- (b) a peptide comprising an amino acid sequence having at least about 80% ~~homology~~ identity with the amino acid sequence (a), and having an action of promoting extension of bladder smooth muscle.

18. (Amended) A method according to claim 13, wherein the adrenomedullin is:

- (a) a peptide comprising an amino acid sequence from Ala in position -73 to Tyr in position 52 of SEQ ID NO: 2 in SEQUENCE LISTING; or
- (b) a peptide comprising an amino acid sequence having at least about 80% ~~homology~~ identity with the amino acid sequence (a), and having an action of promoting extension of bladder smooth muscle.

19. (Amended) A method according to claim 13, wherein the adrenomedullin is:

- (a) a peptide comprising an amino acid sequence from Met in position -94 to Leu in position 91 of SEQ IS NO: 2 in SEQUENCE LISTING; or
- (b) a peptide comprising an amino acid sequence having at least about 80% ~~homology~~ identity with the amino acid sequence (a), and having an action of promoting extension of bladder smooth muscle.

26. (Amended) A method according to claim 25, wherein the adrenomedullin is:

- a peptide comprising an amino acid sequence from Ser in position 13 to Tyr in position 52 of SEQ ID NO: 2 in SEQUENCE LISTING; or
- a peptide comprising an amino acid sequence having at least about 80% ~~homology~~ identity with the amino acid sequence (a), and having an action of promoting extension of bladder smooth muscle.

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27. (Amended) A method according to claim 25, wherein the adrenomedullin is:

- (a) a peptide comprising an amino acid sequence from Tyr in position 1 to Tyr in position 52 of SEQ ID NO: 2 in SEQUENCE LISTING; or
- (b) a peptide comprising an amino acid sequence having at least about 80% ~~homology~~ identity with the amino acid sequence (a), and having an action of promoting extension of bladder smooth muscle.

28. (Amended) A method according to claim 25, wherein the adrenomedullin is:

- (a) a peptide comprising an amino acid sequence from Ala in position -73 to Tyr in position 52 of SEQ ID NO: 2 in SEQUENCE LISTING; or
- (b) a peptide comprising an amino acid sequence having at least about 80% ~~homology~~ identity with the amino acid sequence (a), and having an action of promoting extension of bladder smooth muscle.

29. (Amended) A method according to claim 25, wherein the adrenomedullin is:

- (a) a peptide comprising an amino acid sequence from Met in position -94 to Leu in position 91 of SEQ ID NO: 2 in SEQUENCE LISTING; or
- (b) a peptide comprising an amino acid sequence having at least about 80% ~~homology~~ identity with the amino acid sequence (a), and having an action of promoting extension of bladder smooth muscle.

Conclusion

5. Claims 13, 16-36 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheridan K Snedden whose telephone number is (703) 305-4843.

The examiner can normally be reached on Monday - Friday, 8:30 AM to 5:00 PM.

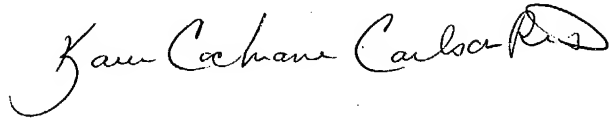
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jon Weber can be reached on (571) 272-0925. The fax phone number for regular communications to the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0196.

SKS
September 15, 2004

SKS

A handwritten signature in cursive script, reading "Karen Cochrane Carlson". The signature is written in dark ink and includes a stylized flourish at the end.

KAREN COCHRANE CARLSON, PH.D
PRIMARY EXAMINER